

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

In the matter of the Arbitration between:

JANE DOE,

Petitioner,

V.

MACQUARIE INVESTMENT
MANAGEMENT BUSINESS TRUST

Respondent.

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CIVIL ACTION NO. 4:19-cv-04112

PETITIONER'S NOTICE OF AND OBJECTION TO PAYMENT OF COSTS

Doe objects to the Court’s November 15 Order (Doc. #16) imposing sanctions against her. Under 28 U.S.C § 1927—the sole basis for the relief requested in Macquarie’s motion—sanctions may be “imposed only on offending attorneys; clients may not be ordered to pay such awards.” *Matta v. May*, 118 F.3d 410, 413-14 (5th Cir. 1997) (citing *Travelers Ins. Co. v. St. Jude Hosp.*, 38 F.3d 1414, 1416 (5th Cir. 1994)). Doe objects that she had no opportunity to challenge either Macquarie’s entitlement to or the amount of the award.

Doe also objects to the declarations filed by Ellen Rosen Rogoff (Doc. #24-1) and Linda C. Schoonmaker (#24-2). These declarations do not substantially comply with 28 U.S.C. § 1746 because they do not state that they are made under penalty of perjury. As a result, they amount to no evidence.

Subject to her objections, Doe notifies the Court that it has tendered a check to Macquarie’s counsel for the amount of costs Macquarie claimed in its submission (\$2.30), as ordered by the Court. *See* 28 U.S.C. § 1927; *see also* 28 U.S.C. § 1920.

Respectfully submitted,

STURM LAW, PLLC

/s/ Charles A. Sturm

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CERTIFICATE OF SERVICE

I certify that this document was served on all counsel of record through the Electronic Case Filing (“ECF”) System on November 29, 2019.

/s/ Charles A. Sturm

Charles A. Sturm